

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**DOUGLAS HANDSHOE**

**PLAINTIFF**

**v.**

**CIVIL ACTION NO.: 1:14-cv-159-KS-MTP**

**DANIEL G. ABEL**

**DEFENDANT**

**ORDER**

THIS MATTER is before the Court on Plaintiff's Motion to Strike [8] and Defendant's Motion for Extension of Time [10]. Having considered the Motions, the Court finds that Plaintiff's Motion to Strike [8] should be granted and Defendant's Motions for Extension of Time [6] [10] should be stricken from the record.

On April 10, 2014, Plaintiff filed his Complaint. On July 3, 2014, Defendant filed a Motion for Additional Time [6]. In addition to seeking an extension of time to file an answer or responsive pleading, the Motion addressed some of the allegations in the Complaint and included other information of uncertain relevance. The Court simply treated the Motion [6] as a request for additional time and granted Defendant until August 4, 2014, to file an answer or responsive pleading. *See* Order [7].

Thereafter, Plaintiff filed a Motion to Strike [8] seeking to have much of Defendant's Motion for Additional Time [6] stricken from the record due to the impertinent and scandalous material contained therein.

On July 9, 2014, Defendant filed the pending Motion for Extension of Time [10]. This Motion [10] is nearly identical to his original motion for time. However, on August 6, 2014, Defendant filed his response pleading. The Court will grant the requested extension, and the August 6, 2014, Motion [12] will be deemed timely.

Defendant did not respond to Plaintiff's Motion to Strike [8]. The time for a response has expired. *See* L.U. Civ. R. 7(b)(4). "If a party fails to respond to any motion, other than a dispositive motion, within the time allotted, the court may grant the motion as unopposed." L.U. Civ. R. (b)(3)(E). Thus, the Motion to Strike [8] can be granted as unopposed. Additionally, the Court finds that Defendant's Motions for Extension of Time [6] [10] contain impertinent and scandalous matters.<sup>1</sup> *See* Fed. R. Civ. P. 12(f). Accordingly, the Court will strike both Motions for Extension of Time [6] [10].

IT IS, THEREFORE, ORDERED that:

1. Defendant's Motion for Extension of Time [10] is GRANTED,
2. Plaintiff's Motion to Strike [8] is GRANTED, and
3. The Clerk of the Court is instructed to STRIKE from the record Defendant's Motion for Extension of Time [6] and Motion for Extension of Time [10].

SO ORDERED this the 11th day of August, 2014.

s/Michael T. Parker  
United States Magistrate Judge

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<sup>1</sup> As mentioned, after Plaintiff filed his Motion to Strike [8], Defendant filed a second Motion for Extension of Time [10] which contained the same impertinent and scandalous matters. Therefore, the Court will apply its ruling to both Motions for Extension of Time [6] [10].